

Funding authorization for this critically important program technically expires at the end of fiscal year 2004. In a regular year, the fiscal year ends on September 30, a date that has already passed. Right now, our Government is operating under a temporary extension of the fiscal year 2004 budget that expires on November 20, 2004. Today, the Federal Government released money for the first quarter of 2005 at the old fiscal year 2004 funding levels. I know that the states are grateful to have this additional money in hand. We must do something now to ensure that this vital program is reauthorized at a higher funding level right away, so that we can provide America's low income families the extra help they need this winter to pay their home heating bills. Who knows now, when we will finish appropriations for fiscal year 2005? We may finish our appropriations legislation in December or January, and we seem headed down that path.

The bill my colleagues and I introduce today sends the right message to concerned constituents already worried about about how they will afford to heat their homes in the face of reported higher home heating costs in the next few months. With this bill we say even if Congress continues to extend last fiscal year's appropriations level or pass a new one, the Senate will increase the amount of money that can be put toward the LIHEAP program.

Fortunately, we know we have support in the Senate for the legislation my colleagues and I introduce today. On February 12, 2004, the Senate passed S. 1786 unanimously. S. 1786 is a bill to extend the Community Services Block Grant Act. Included in Title II, Section 202 of that bill is a provision that would provide an annual LIHEAP funding authorization of \$3.4 billion in each of FY2004–FY2006 and at such sums as necessary through FY2010. This bill is identical to Section 202 of S. 1786. Given that it has moved unanimously in the past, it is my hope that the bill I introduce today can pass quickly and become law.

Why is this bill important, Mr. President? First, authorizing LIHEAP at a higher funding level would mean that a subsequent appropriations bill could add more funds to LIHEAP for this winter's heating season. All of the fiscal year 2004 appropriation for LIHEAP has been released, a total of \$1.7 billion in regular funds and \$99 million in contingency funds, and we've funded the first quarter of 2005 at that same funding level. Even if we wanted to add more money for LIHEAP this winter, Mr. President, Congress is running close to the total authorized limit for the program. Under current law, Congress can only give can only give LIHEAP up to \$600 million in contingency funds, and \$2 billion in annual regular funding. We are about to head into what is likely to be a cold winter with high fuel cost having nearly hit

our credit limit in the amount we can spend on the LIHEAP program. That is wrong. It is poor financial planning and it does a grave injustice to the families that are counting on us, especially when we know fuel costs are going to be high this winter. We should make certain that we can give the LIHEAP program the money it needs, and do so now.

Second, this bill is important our constituents face an uncertain and frightening future with respect to energy costs. We should not continue to fund LIHEAP at last year's level when we know that costs are increasing. In Vermont, my state's fuel assistance programs are now receiving calls from constituents on fixed incomes that have fallen behind on their fuel payments and are concerned about making ends meet. Vermont's first deadline for applications for fuel assistance was August 31, 2004, and payments are not expected to reach eligible applicants until November. In response to this first deadline, my state received 1,800 more applications than last year. Vermont's increase in assistance applications reflects the increased heating costs throughout the Northeast and Midwest. Almost daily, newspapers are reporting on the effect of higher energy costs for consumers in these regions this winter. The Energy Information Administration released its winter forecast this week. They forecast that heating costs will increase, and heating a home with oil in particular will go up by more than 28% compared to a year ago and will cost an average of more than \$1,300. Compared to average heating costs from 1998 to 2000, expenditures this winter are expected to be 45 percent higher for heating oil.

Vermont is not alone. The costs for all heating fuels will be greater than last year throughout New England and the Midwest. Natural gas will cost 11% more than it did last year, and propane will cost 17% more. This may be our last opportunity to act before the onset of cold weather in New England and the Midwest. Families and businesses who face a heating crisis this winter deserve our help. Again, I think my colleagues, and I urge swift passage of this bill.

Mr. FRIST. I ask for its second reading, and in order to place the bill on the calendar under rule XIV I object to further proceeding on this matter.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

AMENDING THE LIVESTOCK MANDATORY PRICE REPORTING ACT OF 1999

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2965, which was introduced earlier today by Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2965) to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2965) was read the third time and passed, as follows:

S. 2965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

Section 942 of the Livestock Mandatory Price Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) is amended by striking "terminate" and all that follows and inserting "terminate on September 30, 2005."

MEASURE PLACED ON THE CALENDAR—S. 2938

Mr. FRIST. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for a second time.

The legislative clerk read as follows:

A bill (S. 2938) to grant a Federal charter to the National American Indian Veterans, Incorporated.

Mr. FRIST. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. The bill will be placed on the calendar.

NATIONAL INTELLIGENCE REFORM ACT OF 2004

MODIFICATION TO AMENDMENT NO. 3977

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the passage of S. 2845, amendment No. 3977, previously agreed to, be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification was agreed to, as follows:

On page 4 after the words "and information gathering" insert the following: "and other".

On page 4, after the words "or international terrorist activities" insert " , but does not include personnel, physical document, or communications security programs".

On page 181, after the words, "to the national security" insert the following: "or involving intelligence acquired through clandestine means".

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3858, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3858) to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3858) was read the third time and passed.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 706, S. 2486, the veterans' non-health care benefits bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2486) to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration of benefits for veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.]

[(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 2004".]

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.]

Sec. 2. References to title 38, United States Code.

[TITLE I—EDUCATION BENEFITS]

[Sec. 101. Increase in maximum amount of contribution for increased amount of basic educational assistance under Montgomery GI Bill.

[Sec. 102. Pilot program on additional two-year period for use of entitlement by participants in Montgomery GI Bill for vocational or job readiness training.

[Sec. 103. Exclusion of veterans education benefits in determination of eligibility or amount of Federal educational grants and loans.

[Sec. 104. Collection of contributions for educational assistance under Montgomery GI Bill from Reserves called to active duty.

[TITLE II—HOUSING BENEFITS]

[Sec. 201. Increase in maximum amount of housing loan guarantee.

[Sec. 202. Permanent authority for guarantee of adjustable rate mortgages.

[Sec. 203. Permanent authority for guarantee of hybrid adjustable rate mortgages and modification of guarantee authority.

[Sec. 204. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.

[TITLE III—OTHER BENEFITS AND BENEFITS MATTERS]

[Subtitle A—Employment Benefits]

[Sec. 301. Availability of administrative and judicial redress for certain veterans denied opportunity to compete for Federal employment.

[Subtitle B—Medical Benefits]

[Sec. 311. Prohibition on collection of copayments for hospice care.

[Subtitle C—Extension of Benefits and Related Authorities]

[Sec. 321. Extension of various authorities relating to benefits for veterans.

[Subtitle D—Other Matters]

[Sec. 331. Modification of definition of minority group member for purposes of Advisory Committee on Minority Veterans.

[SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.]

[Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.]

[TITLE I—EDUCATION BENEFITS]

[SEC. 101. INCREASE IN MAXIMUM AMOUNT OF CONTRIBUTION FOR INCREASED AMOUNT OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

[(a) ACTIVE DUTY BENEFIT.—Section 3011(e)(3) is amended by striking "\$600" and inserting "\$2,000".]

[(b) SELECTED RESERVE BENEFIT.—Section 3012(f)(3) is amended by striking "\$600" and inserting "\$2,000".]

[SEC. 102. PILOT PROGRAM ON ADDITIONAL TWO-YEAR PERIOD FOR USE OF ENTITLEMENT BY PARTICIPANTS IN MONTGOMERY GI BILL FOR VOCATIONAL OR JOB READINESS TRAINING.

[(a) IN GENERAL.—(1) Subchapter I of chapter 30 is amended by adding at the end the following new section:

["§ 3020A. Additional two-year period for use of entitlement for vocational or job readiness instruction or training; pilot program

["(a) PILOT PROGRAM REQUIRED.—(1) The Secretary shall carry out a pilot program to

assess the feasibility and advisability of permitting individuals whose entitlement to basic educational assistance under this chapter expires under section 3031 of this title before their complete use of such entitlement to be entitled to an additional two-year period for their use of such entitlement.

["(2) The pilot program shall commence six months after the date of the enactment of this section, and shall terminate four years after the date of the commencement of the pilot program.

["(b) ADDITIONAL TWO-YEAR PERIOD OF ENTITLEMENT.—Notwithstanding any provision of section 3031 of this title, an individual described in subsection (c) shall, at the expiration of the 10-year period beginning on the educational assistance entitlement commencement date of such individual, be entitled to an additional two-year period for the use of entitlement to basic educational assistance under this chapter.

["(c) ELIGIBLE INDIVIDUALS.—(1) An individual described in this subsection is any individual who—

["(A) as of the end of the 10-year period beginning on the educational assistance entitlement commencement date of such individual—

["(i) would remain entitled to basic educational assistance under this chapter but for the expiration of the 10-year delimiting period applicable to such individual under section 3031 of this title; and

["(ii) has not utilized all of the entitlement of such individual to basic educational assistance under this chapter; and

["(B) at the time of the application for entitlement under this subsection (d), is accepted, enrolled, or otherwise participating (as determined by the Secretary) in instruction or training described in subsection (e).

["(2) This subsection does not apply to an individual otherwise described by paragraph (1) whose remaining entitlement to basic educational assistance under this chapter as described in subparagraph (A)(ii) of that paragraph is based on the transfer of basic educational assistance under section 3020 of this title.

["(d) APPLICATION.—(1) An individual seeking an additional two-year period for the use of entitlement under this section shall submit to the Secretary an application therefor containing such information as the Secretary may require for purposes of this section.

["(2) The Secretary may not receive applications under this subsection after the termination date of the pilot program under subsection (a)(2).

["(e) COMMENCEMENT OF ADDITIONAL PERIOD FOR USE.—The additional two-year period for the use of entitlement by an individual under this section shall commence on the date the application of the individual under subsection (d) is received by the Secretary if the Secretary determines pursuant to a review of the application that the individual is an individual described by subsection (c) for purposes of this section.

["(f) INSTRUCTION OR TRAINING COVERED BY ADDITIONAL PERIOD FOR USE.—(1) The instruction or training for which entitlement to basic educational assistance under this